

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

YESENIA GUITRON; and JUDI KLOSEK,

No. C 10-3461 CW

Plaintiffs,

ORDER GRANTING IN
PART AND DENYING

v.

IN PART

WELLS FARGO BANK, N.A.; WELLS
FARGO & CO.; PAM RUBIO; and DOES
1-20,

PLAINTIFFS' MOTION
TO FILE UNDER SEAL
(Docket No. 120)

Defendants.

_____/

Plaintiffs Yesenia Guitron and Judi Klosek seek to file under seal certain exhibits submitted in support of their opposition to the motion for summary judgment filed by Defendants Wells Fargo Bank, N.A., Wells Fargo & Co. and Pam Rubio.

Plaintiffs' filings are connected to a dispositive motion. To establish that the documents are sealable, Plaintiffs "must overcome a strong presumption of access by showing that 'compelling reasons supported by specific factual findings . . . outweigh the general history of access and the public policies favoring disclosure.'" Pintos v. Pac. Creditors Ass'n, 605 F.3d 665, 679 (9th Cir. 2010) (citation omitted). This cannot be established simply by showing that the document is subject to a protective order or by stating in general terms that the material is considered to be confidential, but rather must be supported by a sworn declaration demonstrating with particularity the need to

1 file each document under seal. Civil Local Rule 79-5(a). If a
2 document has been designated as confidential by another party,
3 that party must file a declaration establishing that the document
4 is sealable within seven days of the filing of the motion to seal.
5 Civil Local Rule 79-5(d).

6 In their motion, Plaintiffs state that the documents that
7 they seek to file under seal fall into two categories: (1)
8 Plaintiffs' personnel files while working for Defendants,
9 including performance documents and personal identifying
10 information for Plaintiffs; and (2) documents that contain
11 sensitive and private information of third parties, including
12 social security numbers, bank account numbers and financial
13 information. Plaintiffs argue that public disclosure of these
14 documents would violate the right to privacy of Plaintiffs and the
15 third parties. In Plaintiffs' supporting declaration, Plaintiffs
16 identify a third category of documents, "Documents produced by
17 Defendants in discovery that have been designated as
18 'confidential' by Defendants according to the terms of the
19 Parties' Protective Order." Peretz Decl. ¶ 3. According to this
20 declaration, the majority of the exhibits that Plaintiffs seek to
21 file under seal fall into this third category. Id. at ¶¶ 4, 7.

22 Based on the Court's review of the exhibits and Plaintiffs'
23 supporting declaration, the Court finds that Plaintiffs have
24 provided compelling reasons supporting the sealing of the records
25 that fall into Categories One and Two. Accordingly, Plaintiffs'

1 motion is GRANTED to the extent that it applies to Exhibits 51,
2 52, 56, 72-74, 172-175, 177-195 and 197-201. However, Defendants
3 have not submitted a supporting declaration establishing that the
4 exhibits that fall into the third category are sealable, even
5 though more than seven days have elapsed since Plaintiffs filed
6 their motion to seal and supporting declaration. Accordingly,
7 Plaintiffs' motion is DENIED to the extent that it seeks to submit
8 these documents under seal (Docket No. 120).
9

10 Within three days of the date of this Order, Plaintiffs shall
11 electronically file Exhibits 51, 52, 56, 72-74, 172-175, 177-195
12 and 197-201 under seal, in accordance with General Order 62, and
13 the remaining exhibits in the public record.
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15 IT IS SO ORDERED.

16 Dated: 1/18/2012

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18 CLAUDIA WILKEN
19 United States District Judge
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